

2004 NOV 16 P 12.14

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTSFILED IN CLERKS OFFICE
US COURT OF APPEALS
FOR THE FIRST CIRCUIT

LEIGH M. OLSEN,

PETITIONER,

VS.

STEVEN O'BRIEN,
SUPT. NCCI,
AT GARDNER, MASS.,

RESPONDENT.

CIVIL ACTION
HABEAS CORPUS ACTION

NO. 4:04-40178-FDS

NOVEMBER 10, 2004

PETITIONER'S NOTICE OF APPEAL AND
MOTION FOR CERTIFICATE OF APPEALABILITY

Now comes LEIGH M. OLSEN, the Petitioner, and pursuant to the above-captioned statement, files his NOTICE OF APPEAL AND MOTION FOR CERTIFICATE OF APPEALABILITY against this Court adverse and unconstitutional and illegally executed "MEMORANDUM AND ORDER" dated "6th day of OCTOBER, 2004" SIGNED BY "F. DENNIS SAYLOR IV, UNITED STATES DISTRICT JUDGE" and "ORDER OF DISMISSAL" dated "10/7/04" bearing name of A DIFFERENT JUDGE "GORTON, D.J.", [UNSIGNED] PAPER WITH REFERENCE TO "/s/MARTIN CASTLES DEPUTY CLERK" using A FORM BEARING A KEY NUMBER:

"(2254dism.ord-09/92)"

The papers were not affixed with the same IDENTICAL DOCKET NUMBER: (1) "C.A.No. 04-40179-FDS; (2) CIVIL ACTION NO. 04-40178-NMG".

Petitioner's Federal Const. Guarantees were further violated, when the CLERK OF COURT AND HIS DEPUTIES FAILED

TO AFFIX THE SEAL OF THE COURT UPON THE FACE OF THE ORDERS AND MEMORANDUM, BEFORE DEPOSITING THE 'INSTRUMENTS' INTO THE U.S. POSTAL MAIL SERVICES.

Such intentional malfeasance is contrary to the statutory laws governing "WRITS AND PROCESSES" being executed from the [F]EDERAL [S]overeignty to the [S]TATE [S]overeignty, addressed to this Petitioner, held in FALSE IMPRISONMENT in state prison.

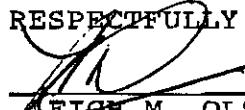
The Petitioner has proven OTHERS HAVE BEEN AWARDED JUDICIAL RELIED FROM STATE PRISON(s) ON THE [IDENTICAL] CLAIMS; PRIOR SUPREME COURT AUTHORITIES OF LAW ON [IDENTICAL] CLAIMS AS CONTROLLED LAW-OF-THE-CASE.

It was an UNCONSTITUTIONAL AND ILLEGAL SUSPENSION OF THE FEDERAL CONSTITUTION GUARANTEE OF THE HABEAS CORPUS BENEFITS, AND TREATED THIS PETITIONER AS BEING UNDER A DEFACTO MARSHALL LAW (A SUSPENSION OF ALL LIBERTIES AND CLOSURE OF ALL COURTS)!!

The Petitioner claims that his PRO SE PLEADINGS are meritorious and worthy of the protection of THE GREAT WRIT OF HABEAS CORPUS AD SUBJICIENDUM. He seeks the intervention by the UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT against the ABUSE OF JUDICIAL DISCRETION in this U.S. District Court.

NOVEMBER 10, 2004

RESPECTFULLY SUBMITTED,


LEIGH M. OLSEN Pro Se